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CONTESTED CONSTITUTIONS

The adoption of new constitutions in the late 1980s and early 1990s in East Central Europe signified the dismantling of communism's repressive state structures, and a new democratic beginning. Yet, the newly introduced norms and institutions remained subjects of discussion and conflict for much of the post-communist period. This study investigates under which circumstances politicians in ten East Central European countries were engaged in such constitutional conflicts, as well as their impact on democratic consolidation and constitutional change. It draws on unique data on constitutional conflict, reconciliation and change, and applies qualitative methods to explain cross-national and cross-time variation in patterns of constitutional conflict.

The study finds that constitutional ambiguity and party-political motivations were important sources of constitutional conflict in the region. Vaguely defined prerogatives and inter-institutional relations provided room for different interpretations of constitutional arrangements. Subsequent interpretation and implementation conflicts were especially pertinent during times of political polarisation, when politicians attempted to strengthen their constitutional and political position making use of this constitutional fuzziness. Presidential powers were particularly frequent topics of discussion, reflecting the ambitious agendas of many post-communist presidents.

Although constitutional conflict in post-communist East Central Europe has at times been politically destabilising, this study argues that it did not undermine the process of democratic consolidation. Constitutional conflicts were almost without exception resolved by democratic means, and contributed to incremental constitutional change. Rather than undermining constitutional legitimacy and stability, constitutional conflict and change were compatible with democratic competition and consolidation.

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Dissertation

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IN POST-COMMUNIST EAST CENTRAL EUROPE

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